

**REMARKS**

This amendment responds to the office action dated June 19, 2007.

The Examiner objected to the Abstract as being too long. The applicant has amended the Abstract to include less than 150 words.

The Examiner provisionally rejected claims 1-4 under 35 U.S.C. § 101 as claiming the same invention as those claimed by co-pending application number 10/684,276. Claims 1-4 have been canceled. New claims 5-8 do not claim the same subject matter as that claimed by the cited co-pending application. Furthermore, should any allowed claims in the present application be obvious in light of any previously-allowed claims in the cited co-pending application, or obvious in light of any previously-allowed claims in the parent Application Serial No. 09/465,415 which is also pending, the applicant will file a terminal disclaimer in the present application.

The Examiner rejected claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Na et al., U.S. Patent No. 6,366,731. Claims 1-4 have been canceled.

The applicant has added new claims 5-8. These new claims are both novel and non-obvious over the prior art. At the outset, some background regarding the claimed invention is warranted. Terrestrial broadcasts of video content are often transmitted by an analog signal, e.g. using frequency or amplitude modulation of a carrier wave. The analog signal could be transmitted over the air and received by an antenna, such as an over-the-air broadcast of a television network signal, or transmitted over a wire or cable, such as an analog cable signal used in previous decades. Early devices used to record these signals were also analog in nature, such as a standard recordable VCR, which received the modulated carrier wave and used it to magnetize a tape moving over the heads of the VCR. However, many modern VCRs, called DVRs for Digital Video Recorders, digitize the incoming analog signal and store it on a digital medium such as a hard drive, compact disc etc. Thus, a function of a DVR is to receive an incoming analog signal, digitize that signal, and record it onto a digital storage medium where it can be easily played back, copied, etc.

Like the analog formats (e.g. VHS, Betamax, laserdisc, etc.) for the analog recording of an incoming signal, differing formats were developed to *digitally* record a received analog signal. Specifically, the format that became most commercially predominant was the DVC transmission standard. Generally speaking, the DVC standard receives an incoming analog signal, both video and audio, and digitizes the signal in a series of “1s” and “0’s to be stored in the payload portion of a number DIF data blocks. The DIF data blocks are, according to the standard, externally organized into a number of “tracks” and internally organized into sections, e.g. header, payload, etc. This uniform standard is used to both encode the incoming analog signal into the digital format and decode the digital data to produce, from the stored digital data, an analog signal that can then be output to a television set or other monitor when replaying the video content.

As an alternative to analog broadcasts, a great deal of present video content is not only broadcast digitally from its inception, but is often captured digitally, e.g. through a digital camera having a CCD or CMOS sensor. To accommodate both the digital capture and digital transmission of video, digital video formats were also developed, most notably MPEG. Unlike the DVC standard, which is concerned with converting an analog signal representative of images/audio into a digital format, the MPEG standard is more broadly concerned with digitally representing the image/audio *itself*; thus, MPEG standard differs from the DVC standard on a fundamental level. Thus, the DVC standard and the MPEG standard are wholly separate formats. The MPEG standard specifies an organizational structure for digitally representing an image itself, and specifically the images that are frames of a video. The DVC standard, being developed to digitize an analog broadcast signal (thus digitizing amplitudes and frequencies of a modulated carrier wave) does not digitally represent images, but digitally represents the modulated carrier wave which needs to be reconstructed from the recorded digital data, so that an analog device can decode the analog signal to produce the images originally broadcast.

DVRs, which use the DVC standard to digitize analog signals, have relatively widespread market penetration as compared to MPEG recorders which are used to simply digitally copy an MPEG signal to a storage medium. This is problematical in that broadcast media is currently converting to digital MPEG transmission. To record this content, users either have to invest in a new MPEG recorder, rendering their DVR obsolete, or record the video content from the downgraded analog signal produced by the MPEG decoder before it is passed on to the television/display.

With this in mind, independent claim 5 includes the limitation of "a frame packetizer operatively connected to said DV recording device that receives multiplexed MPEG data and sequentially inserts said MPEG data, in an MPEG format and including an MPEG header, into payload sections of respective DIF data blocks for storage on [a] DV recording device [only capable of reproducing a visual image from DV-formatted data.]" Na certainly fails to disclose or suggest this limitation. Furthermore, none of the cited prior art in either this application or the parent application does so either - a conclusion that should be intuitive. Claim 5 requires that a device: (1) be operatively connected to a storage device that can only decode data that is stored on that device in a format incompatible with MPEG even on the most conceptual level; but (2) nonetheless push MPEG data to the device for storage in "blocks" of that incompatible format without converting the MPEG data to another format. Thus, the applicant submits that new claim 5 is allowable. Claims 6-8 depend from claim 5 and are therefore also patentably distinguished over the cited prior art.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 5-8.

Respectfully submitted,



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